

Senate File 393 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 271)

(COMPANION TO LSB 2003HV BY
COMMITTEE ON HUMAN RESOURCES)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to obscene materials and child in need
2 of assistance proceedings and child abuse reporting.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2003SV 83
5 jp/rj/8

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1 1 Section 1. Section 232.2, subsection 6, paragraph c, Code
1 2 2009, is amended to read as follows:
1 3 c. Who has suffered or is imminently likely to suffer
1 4 harmful effects as a result of ~~either any~~ of the following:
1 5 (1) Mental injury caused by the acts of the child's
1 6 parent, guardian, or custodian.
1 7 (2) The failure of the child's parent, guardian,
1 8 custodian, or other member of the household in which the child
1 9 resides to exercise a reasonable degree of care in supervising
1 10 the child.
1 11 (3) The child's parent, guardian, or custodian, or person
1 12 responsible for the care of the child, as defined in section
1 13 232.68, has knowingly disseminated and exhibited obscene
1 14 material as defined in section 728.1 to the child.

1 15 Sec. 2. Section 232.68, subsection 2, Code 2009, is
1 16 amended by adding the following new paragraph:
1 17 NEW PARAGRAPH. j. The person responsible for the care of
1 18 the child has knowingly allowed the child access to obscene
1 19 material as defined in section 728.1 or has knowingly
1 20 disseminated or exhibited such material to the child.

1 21 EXPLANATION
1 22 This bill relates to obscene material in child in need of
1 23 assistance proceedings and child abuse cases.
1 24 The bill modifies the definition of "child in need of
1 25 assistance" to include situations where a child has suffered
1 26 or is imminently likely to suffer harmful effects because a
1 27 parent, guardian, or custodian, or person responsible for the
1 28 care of the child, knowingly disseminated and exhibited to the
1 29 child obscene material as defined in Code section 728.1. By
1 30 modifying the definition of child in need of assistance to
1 31 include such situations, a child who is adjudicated a child in
1 32 need of assistance under Code section 232.96 is subject to the
1 33 least restrictive dispositional order pursuant to Code
1 34 sections 232.100 through 232.102.

1 35 The bill also modifies the term "child abuse" to include
2 1 situations where a person responsible for the care of the
2 2 child knowingly allows the child access to obscene material or
2 3 knowingly disseminates or exhibits such material to the child.
2 4 By modifying the definition of "child abuse" to include such
2 5 situations, a professional listed in Code section 232.69 is
2 6 required to report the child abuse. In addition a person who
2 7 commits child abuse by knowingly allowing access to obscene
2 8 material or knowingly disseminates or exhibits such material
2 9 to the child, may be subject to the child abuse registry
2 10 provisions.

2 11 Under Code section 728.2, disseminating or exhibiting
2 12 obscene material to a person under age 18 is a serious
2 13 misdemeanor criminal offense. Code chapter 728 includes other

2 14 offenses involving a child's access to obscene materials.
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